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Ms. Marlene H. Dortch, Secretary
Federal Communications Commission
Office of the Secretary
445 12th Street, S.W.
Washington, D.C. 20554

**RE: Notice of Ex Parte Presentation, In the Matter of Petition for Rulemaking of
Fibertech Networks, LLC, Docket No. RM-11303**

Dear Ms. Dortch:

On behalf of Sunesys, LLC ("Sunesys"), and in accordance with Section 1.1206(b) of the Commission's Rules, 47 C.F.R. §1.1206(b), undersigned counsel hereby submits the instant notice of *ex parte* presentation.

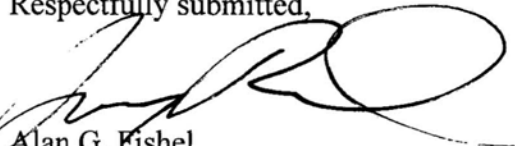
On August 27, 2007, Alan Fishel, on behalf of Sunesys, participated in a phone call with Jeremy Miller of the Wireline Competition Bureau to discuss issues consistent with Sunesys' June 23, 2006 filing in this proceeding, and Sunesys' view that a rulemaking should be initiated in which Sunesys' proposals in that filing (as summarized in the attached document) should be expressly set forth and comments should be requested on Sunesys' proposals.

As explained in its prior filings, Sunesys is participating in this proceeding because it, like numerous other providers, is – under existing Commission rules and policies - greatly undermined in its ability to deploy broadband and other services because of **(1) interminable delays**, and **(2) unreasonable charges**, relating to access to utilities' poles.

This notice is being electronically filed with the Commission.

Please do not hesitate to contact the undersigned with any questions that may arise with respect to this filing.

Respectfully submitted,



Alan G. Fishel
Jeffrey E. Rummel

Attorney for Sunesys, LLC

DESCRIPTION OF THE PROPOSALS OF SUNESYS, LLC - RM-11303

Below is a summary of the proposals of Sunesys, LLC submitted in RM-11303. Sunesys believes these proposals should be specifically set forth in any rulemaking commenced as a result of this proceeding, and Sunesys believes the Commission should expressly request public comment on these proposals. Additional detail regarding these proposals is provided in Sunesys' June 23, 2006 filing in this proceeding.

1. Sunesys' Proposed "Six Month Rule" (To Address the Delay Problem)

- A utility would have 6 months, from the date of the utility's receipt of a pole attachment application, to issue an attachment permit.
- If the utility cannot meet the 6 month deadline using its own personnel, it must permit utility-approved contractors to perform the work so that the deadline can be met.
- Any delays caused by the attaching entity would extend the utility's deadline by the amount of the delay. (Such delays may include any failure to properly prepare the application, or any delays in payments of survey costs or for make-ready work.)

2. Sunesys' Proposed "Compliance Neutral Payment" Rule (the "CNP Rule") (To Address the Unreasonable Charges Problem)

- A utility would be permitted to charge an attaching entity for Compliance Neutral make-ready work ("CN work").
- A utility would not be permitted to charge an attaching entity for Compliance Altering make-ready work ("CA work").
- For purposes of the CNP Rule, the following definitions would apply:

- Make-ready work for an attachment is CN work (i.e., Compliance Neutral work) if

**The level of compliance
of the pole
upon the completion
of the work**

IS THE SAME AS

**The level of compliance
of the pole
at the time of the pole
attachment application**

- Make-ready work for an attachment is CA work (i.e., Compliance Altering work) if

**The level of compliance
of the pole
upon the completion
of the work**

IS DIFFERENT THAN

**The level of compliance
of the pole
at the time of the pole
attachment application**

- The "level of compliance" of a pole is determined by all applicable laws and generally accepted industry codes (e.g., the National Electric Safety Code).

For example, if a pole is in compliance with a certain version of the NESC prior to the attachment application, (i) CN work would include all work required for the pole to remain in compliance with that version of the NESC upon completion of the attachment, and (ii) CA work would include any work performed to place the pole into compliance with a later version of the NESC, even though such is not required by the NESC.